THE HON'BLE SRI JUSTICE GODA RAGHURAM

REVIEW WPMP NO. 17884 OF 2006
IN
W.P. NO. 13471 OF 2006

ORAL ORDER:

Review of the judgment of this court dated 4.7.2006 in W.P.No. 13471 of 2006 is sought on the ground that the writ petition was disposed of on the basis of a representation made by the learned Government Pleader appearing for the respondents that the facts in the writ petition were similar to the facts in certain other writ petitions. In the other writ petitions it was alleged that irrationally the urgency clause u/Sec. 17 of the Land Acquisition Act, 1894 ('the Act') was invoked and the enquiry u/Sec.5A dispensed with. In view of the representation the writ petition was disposed of on the assumption that in the present case too urgency clause was invoked and Sec.5A enquiry dispensed with. In this application the petitioner states that the facts of the writ petition are different from the other writ petitions on the basis of which this writ petition was disposed of.

The grievance in the present writ petition is that a notification u/Sec.4(1) of the Act was issued on 26.05.2006 seeking acquisition of the petitioner's land in an extent of Ac.2.00 of land in Sy.No.586/4 of Kollaparru village, Akividu Mandal, W.G.District. The acquisition was for providing house sites for the poor. In the village news spread about acquisition of the petitioner's land and she was informed about the acquisition by her well-wishers telephonically on 28.6.2006. The petitioner went to the 2nd respondent on 29.6.2006 and was informed about the acquisition of her land. On the said date, in

the 2nd respondent's office a copy of the notice u/Sec.5A of the Act bearing the date 06.06.2006 was given calling upon the petitioner to submit her objections within 15 days from the date of issuance of the notice and was informed that the objections would be enquired into on 26.6.2006 in the office of the 2nd respondent.

As the petitioner was not served the Sec.5A notice and she obtained the copy when she went to the office of the 2nd respondent, she was not aware of the enquiry on 26.6.2006. The petitioner further states that on 30.6.2006 she went to the office of the 2nd respondent to submit her objections but the 2nd respondent and his subordinate staff refused to receive the objections on the ground that time has lapsed. They refused to receive the objections despite the petitioner informing them that the notice was served on her only on 29.6.2006 when she came to the 2nd respondent's office.

In the above circumstances the writ petition was filed seeking a direction to entertain her objections and decide them in an enquiry u/Sec.5A of the Act. It is stated by the learned counsel for the petitioner that Sec.6 declaration has not yet been issued nor any further proceedings taken.

In the circumstances the review is allowed. The judgment of this court dated 04.07.2006 is set aside. The writ petition is allowed and the respondents directed to receive, entertain and consider the petitioner's objections on the petitioner submitting the same to the 2nd respondent within seven days from today. On receipt of the objections from the petitioner, the 2nd respondent shall, if the petitioner so desires, afford a personal hearing as mandated u/Sec.5A of the Act and pass a reasoned order, which shall be communicated to the

petitioner within seven days of the decision being taken pursuant to the enquiry u/Sec.5A.

The review petition is accordingly allowed. No order as to costs.

Dt: 18.07.2006 ----------

CC as soon as possible Justice G.Raghuram

B/o

Pvsn